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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ANGELO DENNINGS, et al.,

11 Plaintiffs,

12 v.

13 CLEARWIRE CORP.,

14 Defendant.

CASE NO. C10-1859JLR

ORDER DENYING MOTION
FOR CONTEMPT

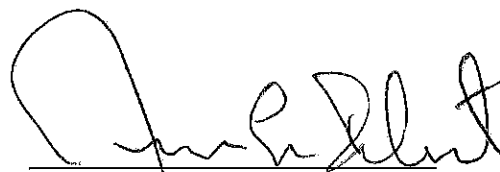
15 Before the court is Class Plaintiffs' motion for contempt. (Mot. (Dkt. # 128).)

16 This is a class action lawsuit that has settled. Certain class members ("the objectors")
17 who have been accused of being "professional objectors" appealed the final settlement
18 approval, whereupon the rest of the class moved the court to order an appeal bond. (See
19 Mot. for Order (Dkt. # 107).) The court granted the motion, ordering the objectors to
20 post an appeal bond of \$41,150.00 or else dismiss their notice of appeal. (3/11/13 Order
21 (Dkt. # 117).)
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1 The objectors did not post an appeal bond. However, Class Plaintiffs moved for,
2 and were granted, summary affirmance by the Ninth Circuit. (*See* Ord. of USCA (Dkt.
3 # 126).) This would have disposed of the appeal, but the objectors moved for a
4 rehearing. *See* Petition for Rehearing, *Dennings v. Clearwire*, No. 13-35038 (9th Cir.
5 May 6, 2013). This rehearing request prompted Class Plaintiffs to move in the district
6 court three days later for an order holding the objectors in contempt for failing to post an
7 appeal bond. (*See* Mot.)

8 After Class Plaintiffs filed their motion for contempt, the objectors moved to
9 voluntarily dismiss their appeal. *See* Mot. to Dismiss Case Voluntarily, *Dennings v.*
10 *Clearwire*, No. 13-35038 (9th Cir. May 15, 2013). The Ninth Circuit construed this as a
11 motion to voluntarily withdraw the objectors' request for a rehearing and granted the
12 motion. *See* 5/24/13 Order, *Dennings v. Clearwire*, No. 13-35038 (9th Cir. May 24,
13 2013). Thus, while the objectors still have not posted an appeal bond, they have
14 effectively complied with the court's order by dismissing their notice of appeal. In any
15 event, there is nothing left to argue about since this case has been disposed of entirely.
16 Accordingly, the court DENIES Class Plaintiffs' motion for contempt as not being
17 justified by the objectors' conduct or their attorney's procedural machinations (Dkt.
18 # 128).

19 Dated this 3rd day of June, 2013.

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JAMES L. ROBART
United States District Judge